

Mail stop -PETITION
Commissioner for Patents
United States Patent and Trademark Office
Alexandria
VA 22313-1450
USA



Re application 10/562,525
Filed December 27 2005
Entitled: FENCING INCLUDING VISIBLE BAND

RENEWED PETITION UNDER 37 CFR 1.137 (a)

For the attention of –

Alesia M. Brown
Patent Attorney,
Office of Petitions.

I refer to your letter dated 16th June 2008.

Both the issues you raised have been dealt with.

Firstly the amendment to the address of the applicant has been registered.
Copies of the forms mailed on the 17th July are attached.

The Petition form has now been has now been corrected to include the
authorisation of both recorded applicants.

Please note that on two occasions the first renewal fee has been tendered only
to be returned due to the application being recorded as abandoned.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Smith".

Michael Smith



Michael Alexander Smith declares as follows

1. I am the applicant in the above application.
2. My reply to Mr Ernesto's Garcia's examination report was despatched on October 31st through New Zealand Post and DHL to the US Patent and Trademark Office. See copy of NZ Post receipt and Consignment note.
3. Enclosed with the reply was a bank draft for \$795.00 in keeping with the delayed response. See copy of Westpac Banking Corporation receipt.
4. Instructions on the consignment note were for the package to be returned if delivery could not be made. This was not done.
5. It is unclear what happened to the package after arrival in the US. Many conflicting remarks have been made by DHL. Ultimately the package was requested to be returned to New Zealand and although this has been done it still has not arrived in my possession.
6. New Zealand Post acknowledge that the package appears to be lost and confirm that in their letter of 13th February 2008. On going searches have continued but to date without success.
7. On the 6th January 2008 the first renewal fee was forwarded and this original documentation together with the fee is enclosed. This was returned by the USPTO due to the patent then being recorded as "Abandoned". This is now enclosed should this petition be accepted.

I humbly submit that the circumstances that befell the non arrival my reply to Mr Garcia's examination report were outside my control and that the failure of DHL to either deliver or promptly return my submission have resulted in an unavoidable outcome.

Your reinstatement of the Patent, acceptance of the reply to the examiners report and the recording of Payment of the maintenance fee would be greatly appreciated.

Signed

Name MICHAEL
ALEXANDER

SMITH

Date 31 July 2008

CAROLYN
YNDRA
SMITH

31 July 2008

Taumarunui
58 Miriama Street
Taumarunui

31 October 2007



Visi-Band Fencing Systems Limited
C/- MA + CY Smith
657 Ongarue Stream Road, RD
Waimiha

We have issued draft number: 15090484

In favour of: U.S Patent and Trademark Office

For amount: USD 795.00

Our transaction reference: 0426 000002363

Value date: 31/10/2007

Our Bank Charges

DRAFT COMM.	NZD	25.00
TOTAL BANK CHARGES:	NZD	25.00

Conversion Details

AMOUNT	FEC No.	EXCH. RATE	AMOUNT
USD 795.00		0.75930000	NZD 1,047.02
NZD 25.00		1.00000000	NZD 25.00

Settlement Details

CUSTOMER REF	ACCOUNT NUMBER	AMOUNT
	03-0426-0208271-00	NZD 1,072.02 DR

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PRODUCT	QTY	\$ AMOUNT
INT EXP DOC A,B,C,D,E Destination Line C Weight 500gn & 1.0kg 0 - 500gn Weight(kg) 0.05	1	41.70*
SUBTOTAL		\$41.70

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31/10/07 12:22:26 00	TERM	194111080003
TRANS NO 030459	AUTH CODE	184088
PURCHASE \$41.70		
CASH OUT		
TOTAL AMT \$41.70		
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13 February 2008

Michael Smith
657 Ongarue Stream Road
RD 1
Waimiha 3998

Dear Michael Smith,

Thank you for your inquiry concerning the parcel posted to Us Patent and Trademark Office on 31st October 2007.

Compensation for the failure of delivery of the item is now being considered. If approved, we will direct credit the compensation payment to your nominated bank account. In order that this may be finalised, please provide the following, if not already supplied; proof of posting, proof of purchase (receipt or invoice) and bank account details (such as a printed deposit slip or bank statement showing name and account details only).

Please respond within 5 days of this letter. Claims will be declined should this documentation not be provided.

Yours faithfully

Conrad Hargreaves
Customer Service Representative

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27 March 2008

Michael Smith
657 Ongarue Stream Road
RD 1
Waimiha 3998

Dear Michael,

Thank you for your inquiry concerning the parcel ED158733444NZ posted to Us Patent and Trademark Office on Wednesday, 31 October 2007.

Regrettably our inquiries to date have been unsuccessful in locating your parcel. Compensation for the original postage and the missing articles is now being considered. As previously advised, if approved, we will direct credit the compensation payment to your nominated bank account.

In order that this may be finalised, please provide the following, if not already supplied:

- A copy of the postage receipt
- A copy of the original customs declaration form (international postings only)
- Evidence of contents value
- Evidence of cost price (business customers only)
- Evidence of online auction details (online auction customers only)
- A copy of your bank account details

Please obtain all of the requested documentation and return it to us in the Freepost envelope provided within 5 days of this letter, so we can finalise your claim as soon as possible. Claims will not be processed until all of the relevant documentation has been provided.

Yours faithfully

Maiana Toatoa
Customer Service Representative